

SECOND REGULAR SESSION

# SENATE BILL NO. 1218

93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GOODMAN.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5371S.011

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## AN ACT

To amend chapter 44, RSMo, by adding thereto four new sections relating to emergency management.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 44, RSMo, is amended by adding thereto four new sections, to be known as sections 44.135, 44.137, 44.141, and 44.143, to read as follows:

**44.135. Any individual residing in, or business owner operating in the state of Missouri and having any form of insured property in the state of Missouri, shall be assessed a disaster mitigation fee in the amount of one dollar annually per policy. Such fee shall be collected by the insurer and paid monthly to the director of revenue and placed to the credit of the emergency management, preparedness, and assistance trust fund established pursuant to section 44.141. Seniors or persons with disabilities who qualify or may in the future qualify for property tax exemptions and reductions as a result of a homestead exemption program shall be exempt from this fee. Disaster mitigation fees payable to the emergency management, preparedness, and assistance trust fund may not be used to supplant existing funding to the state emergency management agency.**

**44.137. 1. Subject to appropriation, money in the emergency management, preparedness, and assistance trust fund shall be allocated by the state emergency management agency as follows:**

**(1) Sixty percent to implement and administer state and local emergency management programs, including training;**

**(2) Twenty percent to provide for state relief assistance for nonfederally declared disasters for the purpose of assisting disaster**

8 victims; and

9           (3) Twenty percent for grants to local governments and private  
10 organizations to implement projects that will further state and local  
11 emergency management objectives. These projects shall include, but  
12 need not be limited to, projects that will promote community disaster  
13 education on disaster preparedness and recovery issues, enhance  
14 coordination of relief efforts of statewide private sector organizations,  
15 and improve the training and operations capabilities of agencies  
16 assigned lead or support responsibilities in the state comprehensive  
17 emergency management plan. All of the aforementioned activities must  
18 additionally address the needs of special populations. The state  
19 emergency management agency shall establish criteria and procedures  
20 for allocation of these funds. No more than five percent of any award  
21 made pursuant to this subdivision may be used for administrative  
22 expenses.

23           2. The distribution formula provided in subsection 1 of this  
24 section may be adjusted proportionally when necessary to meet any  
25 matching requirements imposed as a condition of receiving federal  
26 disaster relief assistance or planning funds.

27           3. The state emergency management agency shall allocate funds  
28 from the emergency management, preparedness, and assistance trust  
29 fund to local emergency management agencies and programs pursuant  
30 to criteria specified in rule. Such rules shall include, but are not  
31 limited to:

32           (1) Requiring that, at a minimum, a local emergency management  
33 agency have a program director who works at least forty hours a week  
34 in that capacity;

35           (2) Specifying a formula that establishes a base grant allocation  
36 and weighted factors for funds to be allocated over the base grant  
37 amount;

38           (3) Specifying match requirements;

39           (4) Preferential funding to provide incentives to counties and  
40 municipalities to participate in mutual aid agreements; and

41           (5) Preferential funding to provide incentives to counties and  
42 municipalities to develop outcome based outreach to special needs  
43 populations.

44           4. If adequate funds are available as determined by the state

45 emergency management agency, every county shall receive funds at  
46 least sufficient to fund a dedicated, full-time emergency preparedness  
47 officer position.

48       5. Any rule or portion of a rule, as that term is defined in section  
49 536.010, RSMo, that is created under the authority delegated in this  
50 section shall become effective only if it complies with and is subject to  
51 all of the provisions of chapter 536, RSMo, and, if applicable, section  
52 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
53 and if any of the powers vested with the general assembly pursuant to  
54 chapter 536, RSMo, to review, to delay the effective date, or to  
55 disapprove and annul a rule are subsequently held unconstitutional,  
56 then the grant of rulemaking authority and any rule proposed or  
57 adopted after August 28, 2006, shall be invalid and void.

44.141. 1. The state treasurer shall establish a special trust fund  
2 to be administered by the state emergency management agency and to  
3 be known as the "Emergency Management, Preparedness, and  
4 Assistance Trust Fund", from which the state emergency management  
5 agency shall use moneys to carry out the purposes stated in sections  
6 44.137 to 44.143.

7       2. All moneys duly authorized and appropriated by the general  
8 assembly, all moneys received from federal funds, gifts, bequests,  
9 donations, any other moneys so designated, and all interest earned on  
10 and income generated from moneys in the fund shall immediately be  
11 paid to and deposited in the emergency management, preparedness,  
12 and assistance trust fund.

13       3. Except as otherwise provided in sections 44.137 to 44.143, the  
14 provisions of section 33.080, RSMo, requiring the transfer of  
15 unexpended funds to the ordinary revenue funds of the state shall not  
16 apply to funds in the emergency management, preparedness, and  
17 assistance trust fund.

44.143. The provisions of sections 23.250 to 23.298, RSMo, shall  
2 not apply to the provisions of sections 44.135 to 44.143.

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